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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,037	10/30/2003	Yuji Takahashi	032054	6029
38834 7590 11/14/2007 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			EXAMINER NGUYEN, JENNIFER T	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 11/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/696,037	Applicant(s) TAKAHASHI ET AL.	
	Examiner Jennifer T. Nguyen	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS; WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to amendment filed 8/28/07.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross-Messemer et al. (Patent No.: US 6,885,491).

Regarding claims 1 and 13, Ross-Messemer teaches a touch panel device (figs. 2 and 6) having at least one pair of excitation section (47) for exciting surface acoustic waves by application of a burst wave and receiving section (73) for receiving surface acoustic waves, which are arranged to face each other on a substrate capable (43) of propagating surface acoustic waves, for propagating surface acoustic waves between said excitation section (47) and said receiving section (73) on said substrate (43) and detecting a position of an object in contact with said substrate, based on received results by said receiving section (col. 11, line 64 to col. 12, line 14, col. 14, lines 40-53), said touch panel device comprising:

a measuring section for measuring strength of surface acoustic waves received by said receiving section (col. 4, lines 27-31, col. 15, lines 36-41).

a control section (77) for controlling the frequency of the burst wave to be applied to said excitation section, based on the strength of surface acoustic waves measured by said measuring section (col. 4, lines 27-31, col. 4, line 66 to col. 5, line 3, col. 15, lines 36-41).

Although Ross-Messemer does not specifically teach the control section for control the wave number of the burst wave. However, the frequency of a signal is mathematically related to the wavelength and wave number; accordingly Ross-Messemer teaches the control section for control the wave number of the burst wave to be applied to said excitation section.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ross-Messemer et al. (Patent No.: US 6,885,491) in view of Sullivan (Pub. No.: US 2004/0160421).

Regarding claim 2, Ross-Messemer teaches said measuring section measures the strength of surface acoustic waves, and said control section controls the wave number of the burst wave, based on a change in strength of the surface acoustic waves by said measuring section (col. 21, lines 28-48 of Ross-Messemer).

Ross-Messemer differs from claim 2 in that he does not specifically teach the measuring with the passage of time.

Sullivan teaches measuring the signal with the passage of time [65-66]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the measuring the signal with the passage of time as taught by Sullivan in the system of Ross-Messemer in order to determine information relate to the contact more precise.

5. Applicant's arguments with respect to claims 1, 2, and 13 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer T. Nguyen whose telephone number is 571-272-7696. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Nguyen
11/10/07



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600